



General Assembly

January Session, 2001

Raised Bill No. 285

LCO No. 2093

Referred to Committee on Transportation

Introduced by:
(TRA)

***AN ACT CONCERNING COMPULSORY LIABILITY INSURANCE
REQUIREMENTS FOR REGISTERED MOTOR VEHICLES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 14-12b of the general statutes is
2 repealed and the following is substituted in lieu thereof:

3 (a) No motor vehicle registration shall be issued by the
4 commissioner for any [private passenger] motor vehicle, as defined in
5 subsection (e) of section 38a-363, as amended by this act, [or a vehicle
6 with a commercial registration, as defined in subdivision (12) of
7 section 14-1,] unless (1) the application for registration is accompanied
8 by a current automobile insurance identification card or a copy of a
9 current insurance policy or endorsement issued by a company licensed
10 to issue such insurance in this state or an approved self-insurer or
11 issued pursuant to the plan established under section 38a-329,
12 verifying that the applicant has the required security coverage, and (2)
13 the applicant signs and files with the commissioner, under penalty of
14 false statement as provided for in section 53a-157b, a statement on a
15 form approved by the commissioner that the owner of the vehicle has
16 provided and will continuously maintain throughout the registration

17 period the minimum security required by section 38a-371, as amended
 18 by this act. In the case of an owner with a vehicle located outside of the
 19 United States or Canada, the commissioner may accept in lieu of the
 20 insurance identification card required to be presented for issuance of
 21 the registration, an affidavit, in such form as the commissioner shall
 22 require, executed by the owner and stating that the vehicle will not be
 23 operated in the United States or Canada. In the case of a motor vehicle
 24 that is leased for a term of more than one year, the commissioner may
 25 accept an insurance identification card issued in the name of the lessee.
 26 The commissioner may require an applicant for renewal of a motor
 27 vehicle registration for any [private passenger motor vehicle or vehicle
 28 with a commercial registration] such motor vehicle to sign and file
 29 with the commissioner, under penalty of false statement as provided
 30 for in section 53a-157b, a statement on a form approved by the
 31 commissioner that the owner of the vehicle will continuously maintain
 32 throughout the registration period the minimum security required by
 33 said section 38a-371, as amended by this act. Such form shall call for
 34 and contain the name of the applicant's insurance company and policy
 35 number.

36 Sec. 2. Section 14-12c of the general statutes is repealed and the
 37 following is substituted in lieu thereof:

38 The commissioner may at any time require any owner of a [private
 39 passenger motor vehicle or a vehicle with a commercial registration, as
 40 defined in subdivision (12) of section 14-1] motor vehicle, as defined in
 41 subsection (e) of section 38a-363, as amended by this act, to submit
 42 further information to verify the required security coverage within the
 43 time specified by the commissioner. If the commissioner is unable to
 44 verify the insurance information furnished, the commissioner shall,
 45 unless such registrant has been reported as cancelled in accordance
 46 with sections 38a-343, as amended by this act, 38a-343a, as amended by
 47 this act, 14-12c, as amended by this act, and 14-12f to 14-12i, inclusive,
 48 as amended by this act, afford such owner an opportunity for a
 49 hearing in accordance with chapter 54 to determine whether such

50 owner's application for registration contains a material false statement
51 or whether [he] the owner has failed to continuously maintain the
52 security required under section 38a-371, as amended by this act. If the
53 commissioner finds that the owner did not have the required security
54 in effect on the date of registration, or that such owner presented a
55 false or fraudulent insurance identification card to the commissioner,
56 the application for registration shall be deemed to contain a material
57 false statement. Any registration issued as a result of such application
58 shall be void from the date of issue and the registration number plates
59 shall be surrendered to the commissioner or shall be subject to
60 confiscation in accordance with the provisions of section 14-12h. If the
61 commissioner finds that the owner had the required security in effect
62 at the time such application was submitted but failed to maintain it
63 continuously during the registration period, [he] the commissioner
64 shall cancel any registration issued as a result of such application and
65 the registration number plates shall be surrendered to the
66 commissioner or shall be subject to confiscation in accordance with the
67 provisions of section 14-12h. No new registration for any motor
68 vehicle, the registration of which has been cancelled under this section,
69 may be obtained except as provided by section 14-12h.

70 Sec. 3. Section 14-12f of the general statutes is repealed and the
71 following is substituted in lieu thereof:

72 The provisions of sections 14-12b, as amended by this act, 14-12c, as
73 amended by this act, 14-213b, as amended by this act, and 38a-364, as
74 amended by this act, shall not apply to any [private passenger] motor
75 vehicle registered to the federal government or any state or
76 municipality or any such vehicle bearing dealer, repairer,
77 manufacturer, transporter, experimental or junk number plates.

78 Sec. 4. Subsection (a) of section 14-12g of the general statutes is
79 repealed and the following is substituted in lieu thereof:

80 (a) When a [private passenger] motor vehicle liability insurance

81 policy has been cancelled and the Commissioner of Motor Vehicles
82 determines that the owner of a registered motor vehicle is in violation
83 of the mandatory security requirements of sections 14-12c, as amended
84 by this act, and 38a-371, as amended by this act, the commissioner
85 shall issue to such owner a notice of cancellation of the registration
86 involved. The notice shall contain a statement, in not less than
87 fourteen-point type, that (1) after such cancellation of registration is
88 final and effective such motor vehicle shall be subject to seizure,
89 impoundment and potential forfeiture if observed being operated
90 upon the public highway or if observed parked in any parking area, as
91 defined in section 14-212, and (2) the owner may return the number
92 plate or plates and registration certificate for such vehicle to avoid
93 potential impoundment and suspension of the owner's motor vehicle
94 operator's license pursuant to subsection (c) of this section. Such
95 cancellation shall be final and effective fourteen days from the date of
96 mailing of such notice. If a registered owner to whom such notice of
97 cancellation was issued contends that, notwithstanding the
98 determination of the Commissioner of Motor Vehicles, [he] the owner
99 has continuously maintained required coverage throughout the period
100 of [his] the owner's registration, such owner may contact the
101 Department of Motor Vehicles by telephone at a special number to be
102 provided, not less than two days before the effective date of the
103 cancellation of the registration to request an administrative hearing to
104 be conducted in accordance with the provisions of chapter 54. Upon
105 such request, the cancellation of the registration shall be stayed
106 pending the final decision. The hearing shall be scheduled promptly
107 and shall be strictly limited to the issues of (A) whether the respondent
108 is the registered owner of the motor vehicle or vehicles subject to the
109 mandatory security requirements, and (B) whether the respondent has
110 failed to continuously maintain the required insurance coverage
111 throughout the registration period. Unless the Commissioner of Motor
112 Vehicles or [his] the commissioner's designated hearing officer finds in
113 the negative on one of the hearing issues, the cancellation of the
114 registration shall be affirmed. The Commissioner of Motor Vehicles

115 shall render a final decision and shall mail such decision to the
116 respondent not more than thirty days after the conclusion of the
117 hearing. The cancellation of registration shall be effective three days
118 after the date of the mailing of the final decision.

119 Sec. 5. Section 14-14 of the general statutes is repealed and the
120 following is substituted in lieu thereof:

121 The commissioner shall not register any motor vehicle owned by
122 any person under sixteen years of age and shall not register any motor
123 vehicle owned by any person between sixteen and eighteen years of
124 age unless such person files proof of financial responsibility in
125 accordance with the provisions of section 14-112, together with a
126 certificate signed by the spouse, being eighteen years of age, of a
127 married minor applicant, or by either or both of the parents, as the
128 commissioner may require, or the legal guardian of such person,
129 approving or requesting the registration of such vehicle, except that no
130 proof of financial responsibility shall be required for the registration of
131 a [private passenger] motor vehicle, as defined in subsection (e) of
132 section 38a-363, as amended by this act, owned by any such person.

133 Sec. 6. Subsection (b) of section 14-15b of the general statutes is
134 repealed and the following is substituted in lieu thereof:

135 (b) "Rental motor vehicle" means a [private passenger] motor
136 vehicle as defined in subsection (e) of section 38a-363, as amended by
137 this act, [which] that is not the subject of a lease with the option to
138 purchase where the lessee has the right to possession.

139 Sec. 7. Subsection (a) of section 14-68 of the general statutes is
140 repealed and the following is substituted in lieu thereof:

141 (a) "Drivers' school" means the business of giving instruction, for
142 compensation, in the driving of [private passenger] motor vehicles and
143 does not include training of professional drivers of motor vehicles
144 other than [private passenger] motor vehicles.

145 Sec. 8. Subsection (c) of section 14-100a of the general statutes is
146 repealed and the following is substituted in lieu thereof:

147 (c) (1) The operator of and any front seat passenger in a [private
148 passenger] motor vehicle, as defined in subsection (e) of section 38a-
149 363, as amended by this act, fire fighting apparatus or a vanpool
150 vehicle equipped with seat safety belts complying with the provisions
151 of the Code of Federal Regulations, Title 49, Section 571.209, as
152 amended from time to time, shall wear such seat safety belt while the
153 vehicle is being operated on the highways of this state, except that a
154 child under the age of four years shall be restrained as provided in
155 subsection (d) of this section. Each operator of such vehicle shall secure
156 or cause to be secured in a seat safety belt any passenger four years of
157 age or older and under sixteen years of age.

158 (2) The provisions of subdivision (1) of this subsection shall not
159 apply to any person whose physical disability or impairment would
160 prevent restraint in such safety belt, provided such person obtains a
161 written statement from a licensed physician containing reasons for
162 such person's inability to wear such safety belt and including
163 information concerning the nature and extent of such condition. Such
164 person shall carry the statement on his person or in the motor vehicle
165 at all times when it is being operated.

166 (3) As used in this subsection, ["private passenger motor vehicle"]
167 "motor vehicle" does not mean an authorized emergency vehicle, other
168 than fire fighting apparatus, responding to an emergency call or a
169 motor vehicle operated (A) by a rural letter carrier of the United States
170 postal service while performing his official duties, or (B) by a person
171 engaged in the delivery of newspapers.

172 (4) Failure to wear a seat safety belt shall not be considered as
173 contributory negligence nor shall such failure be admissible evidence
174 in any civil action.

175 (5) On and after February 1, 1986, any person who violates the

176 provisions of this subsection shall have committed an infraction and
177 shall be fined fifteen dollars. Points may not be assessed against the
178 operator's license of any person convicted of such violation.

179 Sec. 9. Section 14-213b of the general statutes is repealed and the
180 following is substituted in lieu thereof:

181 (a) No owner of any [private passenger motor vehicle or a vehicle
182 with a combination or commercial registration, as defined in section
183 14-1] motor vehicle, as defined in subsection (e) of section 38a-363, as
184 amended by this act, registered or required to be registered in this state
185 may operate or permit the operation of such vehicle without the
186 security required by section 38a-371, as amended by this act, or with
187 security insufficient to meet the minimum requirements of said
188 section. Failure of the operator to produce an insurance identification
189 card as required by section 14-217 shall constitute prima facie evidence
190 that the owner has not maintained the security required by section 38a-
191 371, as amended by this act, and this section.

192 (b) Any person convicted of violating any provision of subsection
193 (a) of this section shall be fined not less than one hundred dollars nor
194 more than one thousand dollars.

195 (c) The Commissioner of Motor Vehicles shall suspend the
196 registration, and the operator's license, if any, of an owner, for a first
197 conviction of violating the provisions of subsection (a) of this section
198 for a period of one month and for a second or subsequent conviction
199 for a period of six months. No new registration shall be issued or
200 restored for any [private passenger motor vehicle or a vehicle with a
201 combination or commercial registration, as defined in section 14-1]
202 motor vehicle, as defined in subsection (e) of section 38a-363, as
203 amended by this act, the registration for which has been suspended
204 pursuant to this subsection until the owner has filed proof of financial
205 responsibility in accordance with section 14-112. Any financial
206 responsibility filing shall be maintained for a period of three years
207 unless waived by the commissioner after one year has elapsed, or

208 unless such registration for such motor vehicle has been cancelled or
209 the commissioner is satisfied that a transfer of the [private passenger]
210 motor vehicle has been made in good faith and not for the purpose of
211 or with the effect of circumventing the intention of sections 14-12b, as
212 amended by this act, and 14-12c, as amended by this act. No operator's
213 license [which] that has been suspended pursuant to this subsection
214 shall be restored until the owner has provided evidence to the
215 commissioner that [he] the owner maintains the security required by
216 section 38a-371, as amended by this act, for each motor vehicle
217 registered in [his] the owner's name.

218 Sec. 10. Subsection (c) of section 23-26 of the general statutes is
219 repealed and the following is substituted in lieu thereof:

220 (c) The commissioner shall issue to any resident of the state, upon
221 payment of a fee established by said commissioner, a nontransferable
222 Connecticut [private passenger] motor vehicle pass which permits free
223 parking throughout the calendar year at any state park, forest, boat
224 launch or other state recreational facility provided the commissioner
225 shall not be required to issue such a pass to any park, forest or facility
226 which is wholly managed by a private concessionaire and may require
227 payment of fees for special events.

228 Sec. 11. Subsection (b) of section 38a-9 of the general statutes is
229 repealed and the following is substituted in lieu thereof:

230 (b) (1) The Division of Consumer Affairs shall provide an
231 independent arbitration procedure for the settlement of disputes
232 between claimants and insurance companies concerning automobile
233 physical damage and automobile property damage liability claims in
234 which liability and coverage are not in dispute. Such procedure shall
235 apply only to disputes involving [private passenger] motor vehicles as
236 defined in subsection (e) of section 38a-363, as amended by this act.
237 Any company licensed to write [private passenger] automobile
238 insurance, including collision, comprehensive and theft, in this state

239 shall participate in the arbitration procedure. The commissioner shall
240 appoint an administrator for such procedure. Only those disputes in
241 which attempts at mediation by the Division of Consumer Affairs have
242 failed shall be accepted as arbitrable. The referral of the complaint to
243 arbitration shall be made by the Insurance Department examiner who
244 investigated the complaint. Each party to the dispute shall pay a filing
245 fee of twenty dollars. The insurance company shall pay the consumer
246 the undisputed amount of the claim upon written notification from the
247 department that the complaint has been referred to arbitration. Such
248 payment shall not affect any right of the consumer to pursue the
249 disputed amount of the claim.

250 (2) The commissioner shall prepare a list of at least ten persons, who
251 have not been employed by the department or an insurance company
252 during the preceding twelve months, to serve as arbitrators in the
253 settlement of such disputes. The arbitrators shall be members of any
254 dispute resolution organization approved by the commissioner. One
255 arbitrator shall be appointed to hear and decide each complaint.
256 Appointment shall be based solely on the order of the list. If an
257 arbitrator is unable to serve on a given day, or if either party objects to
258 the arbitrator, then the next arbitrator on the list will be selected. The
259 department shall schedule arbitration hearings as often, and in such
260 locations, as it deems necessary. Parties to the dispute shall be
261 provided written notice of the hearing, at least ten days prior to the
262 hearing date. The commissioner may issue subpoenas on behalf of the
263 arbitrator to compel the attendance of witnesses and the production of
264 documents, papers and records relevant to the dispute. Decisions shall
265 be made on the basis of the evidence presented at the arbitration
266 hearing. Where the arbitrator believes that technical expertise is
267 necessary to decide a case, [he] the arbitrator may consult with an
268 independent expert recommended by the commissioner. The arbitrator
269 and any independent technical expert shall be paid by the department
270 on a per dispute basis as established by the commissioner. The
271 arbitrator, as expeditiously as possible, but not later than fifteen days
272 after the arbitration hearing, shall render a written decision based on

273 the information gathered and disclose the findings and the reasons to
274 the parties involved. The arbitrator shall award filing fees to the
275 prevailing party. If the decision favors the consumer the decision shall
276 provide specific and appropriate remedies including interest at the rate
277 of ten per cent on the arbitration award concerning the disputed
278 amount of the claim, retroactive to the date of payment for the
279 undisputed amount of the claim. The decision may include costs for
280 loss of use and storage of the motor vehicle and shall specify a date for
281 performance and completion of all awarded remedies.
282 Notwithstanding any provision of the general statutes or any
283 regulation to the contrary, the Insurance Department shall not amend,
284 reverse, rescind, or revoke any decision or action of any arbitrator. The
285 department shall contact the consumer within ten working days after
286 the date for performance, to determine whether performance has
287 occurred. Either party may make application to the superior court for
288 the judicial district in which one of the parties resides or, when the
289 court is not in session, any judge thereof for an order confirming,
290 vacating, modifying or correcting any award, in accordance with the
291 provisions of sections 52-417, 52-418, 52-419 and 52-420. If it is
292 determined by the court that either party's position after review has
293 been improved by at least ten per cent over that party's position after
294 arbitration, the court, in its discretion, may grant to that party its costs
295 and reasonable attorney's fees. No evidence, testimony, findings, or
296 decision from the department arbitration procedure shall be
297 admissible in any civil proceeding, except judicial review of the
298 arbitrator's decision as contemplated by this subsection.

299 (3) The department shall maintain records of each dispute,
300 including names of parties to the arbitration, the decision of the
301 arbitrator, compliance, the appeal, if any, and the decision of the court.
302 The department shall annually compile such statistics and send a copy
303 to the committee of the General Assembly having cognizance of
304 matters relating to insurance. The report shall be considered a public
305 document.

306 Sec. 12. Subsection (a) of section 38a-334 of the general statutes is
307 repealed and the following is substituted in lieu thereof:

308 (a) The Insurance Commissioner shall adopt regulations with
309 respect to minimum provisions to be included in automobile liability
310 insurance policies issued after the effective date of such regulations
311 and covering [private passenger motor vehicles, as defined in
312 subsection (e) of section 38a-363, motor vehicles with a commercial
313 registration, as defined in section 14-1] motor vehicles, as defined in
314 subsection (e) of section 38a-363, as amended by this act, motorcycles,
315 as defined in section 14-1, motor vehicles used to transport passengers
316 for hire, motor vehicles in livery service, as defined in section 13b-101,
317 and vanpool vehicles, as defined in section 14-1, registered or
318 principally garaged in this state. Such regulations shall relate to the
319 insuring agreements, exclusions, conditions and other terms applicable
320 to the bodily injury liability, property damage liability, medical
321 payments and uninsured motorists coverages under such policies,
322 shall make mandatory the inclusion of bodily injury liability, property
323 damage liability and uninsured motorists coverages and shall include
324 a provision that the insurer shall, upon request of the named insured,
325 issue or arrange for the issuance of a bond which shall not exceed the
326 aggregate limit of bodily injury coverage for the purpose of obtaining
327 release of an attachment.

328 Sec. 13. Subsection (b) of section 38a-335 of the general statutes is
329 repealed and the following is substituted in lieu thereof:

330 (b) Each automobile liability insurance policy issued, renewed,
331 amended or endorsed on or after October 1, 1988, and covering a
332 [private passenger] motor vehicle as defined in subsection (e) of
333 section 38a-363, as amended by this act, shall contain or have attached
334 thereto a conspicuous statement specifying whether the policy
335 provides liability, collision or comprehensive coverage for damage to a
336 rented [private passenger] motor vehicle and, where the policy
337 provides such coverage, the limit of coverage provided and whether

338 any deductible amount applies.

339 Sec. 14. Subsection (b) of section 38a-343 of the general statutes is
340 repealed and the following is substituted in lieu thereof:

341 (b) Where a [private passenger] motor vehicle liability insurance
342 company sends a notice of cancellation under subsection (a) of this
343 section to the named insured of a [private passenger] motor vehicle
344 liability insurance policy, such company shall provide with such notice
345 a warning, in a form approved by the Commissioner of Motor Vehicles
346 and the Insurance Commissioner, which informs the named insured
347 that (1) the cancellation will be reported to the Commissioner of Motor
348 Vehicles; (2) the named insured will be receiving one or more mail
349 inquiries from the Commissioner of Motor Vehicles, concerning
350 whether or not required insurance coverage is being maintained, and
351 that the named insured must respond to these inquiries; (3) if the
352 required insurance coverage lapses at any time, the Commissioner of
353 Motor Vehicles will cancel the registration or registrations for the
354 vehicle or vehicles under the policy and the number plates will be
355 subject to confiscation and any person operating any such vehicle will
356 be subject to legal penalties for the operation of an unregistered motor
357 vehicle; (4) the named insured will not be able to obtain a new
358 registration, or any other registration or renewal in [his] the insured's
359 name, except upon (i) payment of the registration and number plate
360 fees, as required by section 14-49, (ii) payment of a restoration fee, as
361 required by section 14-50b and (iii) the posting of a special certificate of
362 financial responsibility for a period of one year; and (5) if the number
363 plates have been confiscated, the payment of an additional confiscation
364 fee of fifty dollars shall be imposed.

365 Sec. 15. Section 38a-343a of the general statutes is repealed and the
366 following is substituted in lieu thereof:

367 (a) Each insurance company [which] that issues [private passenger]
368 motor vehicle liability insurance policies in this state shall, each month,

369 on a date specified by the commissioner, notify the Commissioner of
370 Motor Vehicles of the cancellation by the insurance company of all
371 such policies which occurred during the preceding month, provided,
372 no such notification shall be made for any cancellation of any policy of
373 commercial insurance. The notice required shall include the name of
374 the named insured in the policy, the policy number, the vehicle
375 identification number of each automobile covered by the policy and
376 the effective date of the policy's cancellation. The commissioner shall
377 specify an acceptable method of notification. The method of
378 notification specified may include computer tapes or electronic
379 transmission. The failure of an insurance company to comply with the
380 requirements of this section shall not affect the cancellation of any
381 [private passenger] motor vehicle liability insurance policy.

382 (b) The Commissioner of Motor Vehicles shall receive or accept all
383 notices of policy cancellation from [private passenger] motor vehicle
384 liability insurance companies, as required pursuant to subsection (a) of
385 this section. The commissioner shall review and analyze the
386 cancellation data submitted, together with such other information as
387 [he] the commissioner may obtain from the [private passenger] motor
388 vehicle liability insurance companies, from the records of the
389 Department of Motor Vehicles, or from any other public or private
390 agency or firm in possession of relevant information, for the purpose
391 of determining whether any registered owner identified in any such
392 notice has failed to continuously maintain insurance coverage in
393 violation of sections 14-12c, as amended by this act, and 38a-371, as
394 amended by this act. In conducting such an inquiry to determine
395 insured status, the commissioner may contact registered vehicle
396 owners by mail and require that such mail inquiries be answered in
397 not less than thirty days, in a satisfactory manner containing such
398 information and verification of insurance coverage as the
399 commissioner shall deem necessary and acceptable.

400 Sec. 16. Subsection (a) of section 38a-355 of the general statutes is
401 repealed and the following is substituted in lieu thereof:

402 (a) (1) Whenever repairs are necessary to the visible exterior sheet
403 metal or plastic parts of a damaged [private passenger] motor vehicle,
404 as defined in section 38a-363, as amended by this act, any insurer or
405 repairer, as defined in section 14-51, preparing a written estimate of
406 the cost of such repairs shall clearly identify in such estimate each
407 major replacement part to be used which is not manufactured by the
408 original manufacturer of the damaged part in such motor vehicle. For
409 the purposes of this section, "parts" means motor vehicle replacement
410 parts of sheet metal or plastic, which constitute the visible exterior of
411 the vehicle, including inner and outer panels, and which are generally
412 repaired or replaced as the result of a collision.

413 (2) Attached to any such estimate shall be the following notice,
414 printed in no less than ten-point type:

415 NOTICE

416
417 This repair estimate is based in part on the use of replacement parts
418 which are not made by the original manufacturer of the damaged parts
419 in your motor vehicle.

420 (3) The insurer or repairer, as the case may be, shall give a copy of
421 such estimate and notice to the person requesting such estimate.

422 Sec. 17. Section 38a-363 of the general statutes is repealed and the
423 following is substituted in lieu thereof:

424 As used in sections 38a-19 and 38a-363 to 38a-388, inclusive, as
425 amended by this act:

426 (a) "Injury" means bodily injury, sickness or disease, including death
427 resulting therefrom, accidentally caused and arising out of the
428 ownership, maintenance or use of a [private passenger] motor vehicle
429 or a vehicle with a commercial registration, as defined in subdivision
430 (12) of section 14-1.

431 (b) "Insurer" includes a self-insurer and a person having the rights

432 and obligations of an insurer under sections 38a-19 and 38a-363 to 38a-
433 388, inclusive, as amended by this act, as provided by section 38a-371,
434 as amended by this act.

435 (c) "Occupying" a vehicle means to be in or upon or entering into or
436 alighting from the vehicle.

437 (d) "Owner" of a [private passenger] motor vehicle means the
438 person who owns the legal title thereto, except where the motor
439 vehicle is the subject of a security agreement or lease with option to
440 purchase with the debtor or lessee having the right to possession, in
441 which event "owner" means the debtor or lessee.

442 [(e) "Private passenger motor vehicle" means a: (1) Private passenger
443 type automobile; (2) station-wagon-type automobile; (3) camper-type
444 motor vehicle; (4) high-mileage-type motor vehicle, as defined in
445 section 14-1; (5) truck-type motor vehicle with a load capacity of fifteen
446 hundred pounds or less, registered as a passenger motor vehicle, as
447 defined in said section, or as a passenger and commercial motor
448 vehicle, as defined in said section, or used for farming purposes; or (6)
449 a vehicle with a commercial registration, as defined in subdivision (12)
450 of said section. It does not include a motorcycle or motor vehicle used
451 as a public or livery conveyance.]

452 (e) "Motor vehicle" means "motor vehicle" as defined in section 14-1,
453 except that it shall not include any motor vehicle (1) used as a public or
454 livery conveyance, (2) owned by the federal government, state or any
455 municipality, (3) operated under a general distinguishing number
456 plate issued by the Commissioner of Motor Vehicles to any licensed
457 dealer, repairer, manufacturer or recycler, (4) operated with a wrecker
458 registration by a licensed dealer or repairer, (5) operated with
459 transporter or experimental number plates issued by the
460 Commissioner of Motor Vehicles, or (6) any motorcycle, the owner of
461 which is in compliance with the provisions of section 14-289f.

462 (f) "Relative" of a person means one who is related to the person by

463 blood, marriage or adoption.

464 (g) "Use" of a motor vehicle includes the loading or unloading
465 thereof.

466 (h) "Pedestrian" means any person not occupying a vehicle of any
467 type other than a vehicle designed to be drawn or driven by muscular
468 power.

469 Sec. 18. Section 38a-364 of the general statutes is repealed and the
470 following is substituted in lieu thereof:

471 (a) For the purposes of sections 14-12b, as amended by this act, and
472 14-12c, as amended by this act, subsection (a) of section 14-13, sections
473 14-213b, as amended by this act, and 14-217 and this section, ["private
474 passenger motor vehicle" shall have the same meaning as] "motor
475 vehicle" means "motor vehicle" as defined in subsection (e) of section
476 38a-363, as amended by this act.

477 (b) Each insurance company which issues [private passenger] motor
478 vehicle liability insurance providing the security required by sections
479 38a-19 and 38a-363 to 38a-388, as amended by this act, inclusive, shall
480 issue annually to each such insured an automobile insurance
481 identification card, in duplicate, for each insured vehicle, one of which
482 shall be presented to the commissioner as provided in section 14-12b,
483 as amended by this act, and the other carried in the vehicle as
484 provided in section 14-12f, as amended by this act. Except as provided
485 in subsection (c), such card shall be effective for a period of one year
486 and shall include the name of the insured and insurer, the policy
487 number, the effective date of coverage, the year, make or model and
488 vehicle identification number of the insured vehicle and an
489 appropriate space wherein the insured may set forth the year, make or
490 model and vehicle identification number of any [private passenger]
491 motor vehicle that becomes covered as a result of a change in the
492 covered vehicle during the effective period of the identification card.
493 When an insured has five or more [private passenger] motor vehicles

494 registered in this state, the insurer may use the designation "all owned
495 vehicles" on each card in lieu of a specific vehicle description.

496 (c) Whenever a binder for such insurance is issued by an agent, the
497 agent shall also issue a temporary identification card, in duplicate, for
498 each covered vehicle effective for a period of sixty days from the date
499 on which the binder becomes effective. Such temporary cards shall
500 include the name of the insured and insurer, the printed name and
501 signature of the agent or authorized representative, the effective date
502 of the binder, the policy number or, if such number is not available, the
503 agent's code number and the year, make or model and vehicle
504 identification number of the insured vehicle.

505 (d) The provisions of this section shall apply [only to private
506 passenger] to motor vehicles registered in this state.

507 Sec. 19. Subsection (a) of section 38a-370 of the general statutes is
508 repealed and the following is substituted in lieu thereof:

509 (a) Under residual liability insurance the insurer is liable to pay, on
510 behalf of the owner or other persons insured, sums which the owner or
511 insured is legally obligated to pay as damages because of bodily injury
512 and property damage arising out of the ownership, maintenance or use
513 of a [private passenger] motor vehicle as a motor vehicle if the injury
514 or damage occurs within the United States of America, its territories or
515 possessions or Canada.

516 Sec. 20. Section 38a-371 of the general statutes is repealed and the
517 following is substituted in lieu thereof:

518 (a)(1) The owner of a [private passenger] motor vehicle required to
519 be registered in this state shall provide and continuously maintain
520 throughout the registration period security in accordance with sections
521 38a-334 to 38a-343, inclusive, as amended by this act. (2) The owner of
522 a [private passenger] motor vehicle not required to be registered in this
523 state shall maintain security in accordance with this section, in effect

524 continuously throughout the period of its operation, maintenance or
525 use as a motor vehicle within this state with respect to accidents
526 occurring in this state.

527 (b) The security required by this section, may be provided by a
528 policy of insurance complying with this section issued by or on behalf
529 of an insurer licensed to transact business in this state or, if the vehicle
530 is registered in another state, by a policy of insurance issued by or on
531 behalf of an insurer licensed to transact business in either this state or
532 the state in which the vehicle is registered.

533 (c) Subject to approval of the Insurance Commissioner the security
534 required by this section, may be provided by self-insurance by filing
535 with the commissioner in satisfactory form: (1) A continuing
536 undertaking by the owner or other appropriate person to perform all
537 obligations imposed by this section; (2) evidence that appropriate
538 provision exists for the prompt and efficient administration of all
539 claims, benefits, and obligations provided by this section; and (3)
540 evidence that reliable financial arrangements, deposits or
541 commitments exist providing assurance for payment of all obligations
542 imposed by this section substantially equivalent to those afforded by a
543 policy of insurance that would comply with this section. A person who
544 provides security under this subsection is a self-insurer. A
545 municipality may provide the security required under this section by
546 filing with the commissioner a notice that it is a self-insurer.

547 (d) The owner of any [private passenger] motor vehicle required to
548 be registered in this state who operates it or permits it to be operated
549 in this state is guilty of a class C misdemeanor if [he] the owner fails to
550 provide the security required by this section.

551 (e) An owner of a [private passenger] motor vehicle with respect to
552 which security is required who fails to have such security in effect at
553 the time of an accident shall have all of the rights and obligations of an
554 insurer under sections 38a-363 to 38a-388, inclusive, as amended by

555 this act, and shall remain subject to all the obligations of the Financial
556 Responsibility Law, sections 14-112 to 14-133, inclusive.

557 (f) Upon receipt of a signed written request for suspension from the
558 owner of a registered motor vehicle stating that such vehicle will not
559 be operated upon any highway during a period of not less than thirty
560 consecutive days, the insurer of such vehicle shall suspend, to the
561 extent requested by the owner, insurance coverage afforded under the
562 policy providing the security required by sections 38a-363 to 38a-388,
563 inclusive, as amended by this act, for such vehicle until notified by the
564 owner that the coverage should be reinstated. During the period of
565 suspension only, the provisions of subsections (a) to (e), inclusive, of
566 this section shall not apply with respect to such vehicle, provided, if
567 such vehicle is operated upon any highway by or with the permission
568 of the owner during the period of suspension, the provisions of said
569 subsections (a) to (e), inclusive, of this section, shall thereupon become
570 applicable. As used in this subsection, "highway" shall be defined as in
571 section 14-1. This subsection shall not apply to a motor vehicle for
572 which proof of financial responsibility is required under the provisions
573 of sections 14-112 to 14-133, inclusive.

574 Sec. 21. Section 38a-372 of the general statutes is repealed and the
575 following is substituted in lieu thereof:

576 Every insurance company authorized to transact the business of
577 [private passenger] motor vehicle liability insurance in this state shall
578 file with the Insurance Commissioner as a condition of its continued
579 transaction of such business within this state a form approved by the
580 commissioner declaring that its policies shall be deemed to provide the
581 security required by section 38a-371, as amended by this act. Any
582 nonadmitted insurer may file such a form.

583 Sec. 22. Subsection (b) of section 38a-389 of the general statutes is
584 repealed and the following is substituted in lieu thereof:

585 (b) Each insurer licensed to sell [private passenger] automobile

586 insurance in this state shall refile, with the Insurance Commissioner, its
587 base rates for such coverages to reflect the elimination of mandatory
588 basic and added reparations benefits pursuant to public act 93-297*
589 and any additional premium savings attributable to said act. Such rates
590 shall be refiled, as soon as practicable, for use with policies effective on
591 or after January 1, 1994.

592 Sec. 23. Subsection (a) of section 52-195b of the general statutes is
593 repealed and the following is substituted in lieu thereof:

594 (a) In any civil action arising out of the ownership, maintenance or
595 use of a [private passenger] motor vehicle the parties may agree to
596 refer the dispute to an alternative dispute resolution program. Such
597 referral shall be made within sixty days of the return date. The
598 duration of the referral shall not exceed ninety days unless the court,
599 for good cause shown, extends the time period. The court shall stay the
600 time periods within which all further pleadings, motions, requests,
601 discovery and other procedures must be filed or undertaken until (1)
602 such time as the alternative dispute resolution process is completed or
603 (2) the time period set by the court for the referral has elapsed,
604 whichever occurs first.

605 Sec. 24. Section 54-33m of the general statutes is repealed and the
606 following is substituted in lieu thereof:

607 The failure of an operator of, or front seat passenger in, a [private
608 passenger] motor vehicle or vanpool vehicle to wear a seat safety belt
609 as required by section 14-100a, as amended by this act, shall not
610 constitute probable cause for a law enforcement official to conduct a
611 search of such vehicle and its contents.

612 Sec. 25. Subdivision (5) of subsection (a) of section 38a-799 of the
613 general statutes is repealed and the following is substituted in lieu
614 thereof:

615 (5) "Vehicle" means a [private passenger] motor vehicle, including,

616 but not limited to, passenger vans, minivans, sport utility and pickup
617 trucks or a cargo type of motor vehicle, including, but not limited to,
618 cargo vans and trucks with a gross vehicle weight up to and including
619 twenty-six thousand pounds which do not require the operator to
620 possess a commercial driver's license.

Statement of Purpose:

To require insurance to be maintained on all registered motor vehicles.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]